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BEING AN

Exact Narrative

OF ALL THE

PROCEEDINGS

AGAINST THE

Vice-Chancellour

AND

DELEGATES,

OF THAT

UNIVERSITY,

For refusing to admit *Alban Francis*, a *Benedictine* Monk, to the Degree of Master of Arts, without taking the Oaths.

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Cambridge Case, &c.

ON the 9th. day of *February*, being *Ashwednesday*, came a Letter under His Majesties signet Manuel, dated the 7th. of the same Month; the substance whereof, was, That hearing much in Commendation of one *Alban Francis* a Benedictine, the King was pleased to command the University, that they should admit him to the degree of Master of Arts, without administring to him any Oath or Oaths whatsoever, any Law or Statute to the contrary in any wise notwithstanding, with which His Majesty was graciously pleas'd to dispence with in the behalf of the said *Alban Francis*. On *Monday* the 21st the *Vice-Chancellour* having summon'd a Congregation, read His Majesties Letter, purporting as before, and superscrib'd to our Trusty and well beloved *Vice-Chancellour* of our University of *Cambridge*, to be communicated to the Senate there; on the Reading whereof the Senate, who made the best advantage they could of the *Vice-Chancellour's* delay in order to get advice, resolved to testifie their common and almost unanimous sence of the thing, and in a matter of such consequence and novel matter to interpose; accordingly there was a Paper, it is commonly call'd a Grace, the original Paper whereof I have seen drawn up in order to be put to the Vote of the House after the ordinary and usual way; but the constitution of that Body being such, that this must then of necessity have been first proposed to what we call the Head, which consists of six Persons, each of which has an Arbitrary Voice and Power, upon dislike to stop any proceedings finally, and hinder it being put to the House at all; this method was laid aside as impracticable upon that occasion, because, Mr. *Basset* a declar'd *Roman* Catholick, and one that had openly asserted Mr. *Francis* cause, hapned to be one of the six who compose the head for this Year; it was therefore presum'd, with great appearance of Reason, that he would put a bar to the proceedings, so the Grace not being suffered to be offer'd to the House, the Senates sence could never have been fully and particularly known thereupon.

This consideration constrain'd them to the use of another course, which was, without the formality of a Suffrage, voluntarily to testifie their concurrence with the *Vice-Chancellour*, and advise him to forbear the admitting Mr. *Francis* till the King had been Petitioned to revoke his Mandate; as soon as the Letter came to Town, the *Vice-Chancellour* wrote a Letter to the Duke of *Albemarle* our Chancellour, to beg his Intercession with the King, which he returned word was tried with none effect, but possibly such a body as the University concurring and signing a Petition, if that could be admitted, might prove better and

more Successful. Now perhaps if every single Man present to the number perhaps of a 150 or 200 should Address in Person to the *Vice-Chancellour*, this might look tumultuary, and it was thought the more quiet, decent, and respectful way to send up their sense by Messengers from each House; to this purpose, Dr. *Smoult* Professour of Casuistical Divinity, was made choice of by the *Non Regents*, and Mr. *Norris* Fellow of *Trinity* Colledge by the *Regents*. The substance of what they delivered, was, That the House thought the admission of Mr. *Francis* without the usual Oaths, illegal and unsafe, and for that reason advis'd the King might be petition'd, in the doing which they were ready to joyn and make it their act. The Opinions were given freely to the two Messengers of each House, and the thing was so unanimously approved of, that the only Persons taking notice of it, were three Papists, and one or two besides; afterwards there was a Gentleman admitted Doctor of Physick, having first taken the Oaths; and the Esquire Beadles and Registers were sent to let Mr. *Francis* know, that the Senate were ready to admit him also, provided, that he would Swear as the Laws appointed; but he refused, insisting on the Kings dispensation: and this was the business of the first Meeting about this matter.

Immediately upon the Congregations breaking up, Mr. *Francis* took Horse for *London*, to represent at *White-Hall* what had been done, and the same Afternoon the Heads met in the Consistory, to consult what Letters should be sent, and to whom; they agreed upon one to the Duke of *Albemarle*, and another to the Earl of *Sunderland*, being the Secretary of State, through whose hands the Mandate passed: An Esquire Beadle was dispatched presently to *London*, who after having waited on the Duke of *Albemarle*, endeavoured several times to get access to the Lord *Sunderland*, but could not get last having sent in his Letter, the main wherof was a most humble Submission to His Majesty, with very Solemn and unfeigned Protestations, that what was now done, proceeded from no Principle of Disobedience and Stubbornness, but a Conscientious sense of our Obligation to Laws and Oaths, and a respectful intimation that we were ready to Petition the King that it might be admitted, but not daring to approach Him without some signification, that it would be acceptable, we applyed our selves to his Lordship, desiring him to do the University the favour to mediate for them, &c. He was dismissed without any particular answer; within a few days came a second Letter, dated *February* 24*th*, which by reason of the Assizes and some other publick business intervening, was not read in the Senate till *Thursday March* the 11*th*; the University and the *Vice-Chancellour* in the mean time received a Letter, wherein they found great Satisfaction by the Opinions of some Eminent Lawyers, who confirm'd in the approbation of what was already done, and for the future, could advise no better course than humbly to represent the Case to His Majesty, and entreat him not to think amiss of so Loyal a Body, as always the University has shewed her self to be. The second Letter being read the day aforesaid, which was exactly the same as the former, excepting only the addition of a Clause, to do it at our own Peril: The Senate proceeded as before, to advise the *Vice-Chancellour* to some expedient for it, representing the Case fully and clearly to the King, as well with respect to the Illegality of such admission, as the many ill consequences that were likely to ensue from it; this the *Non Regent* House did by Mr. *Ballers*, Fellow of St *John's* Colledge, (the Publick Orator) and Mr. *Newton* Fellow of *Trinity* Colledge (the Mathematical Professor) the Regent House by Mr.

Heury

Henry Finch, Son to the late Lord Chancellour, Mr. *Burton* of St. *John's* College, and Mr. *William Bowles* of Kings Colledge; all which was done without the leaſt hurry, or irregularity, without ſo much as asking an Opinion, but every Man went and gave it quietly and of his own accord, ſo that no manner of inducement was put upon any one to declare himſelf in the buſineſs, but what proceeded meerly from his own Conſcience, and a due ſenſe of things. Another large Letter being prepared for the Duke of *Albemarle*, wherein was every thing that could be thought of to prevail with His Majeſty, and one likewiſe ſhorter and leſs particular to the Earl of *Sunderland*; that very Afternoon Mr. *Braddock* Fellow of *Catherine-Hall*, and Mr. *Stanhop* of *Kings* College, were deſired by the *Vice-Chancellour* to go to *London* with theſe Letters and other Inſtructions, to apply themſelves to ſeveral Perſons of Quality and Character, that they would joyn forces, and think it a common cauſe, for ſo addreſſing to the King, the ſucceſs would be more probable, and the honour ſome to the Univerſity the greater. *Sunday*, *March* the 13*th*, the two Gentlemen waited on the Duke of *Albemarle* their Chancellour, who received them with all the goodneſs in the World, with aſſurance, that notwithſtanding he had waited on the King before and knew his Inclinations; nay, though he had been received with ſomething of diſpleaſure, yet conſidering the reaſon he bore us, he would make another attempt, and thought himſelf oblig'd to omit no endeavours for the Univerſities Safety and Advantage. *Monday* the 14*th*. in the Evening the Duke of *Albemarle* waited on the King, and in the paſſage towards the Bed-chamber, took the two *Cambridge* Gentlemen into the Ant-chamber, that they might be introduc'd if occaſion were; the King, on the Duke of *Albemarle's* acquainting him with the affair, told him he had not then leiſure to talk, but he commanded the Letter, which the *Vice-Chancellour* ſent to the Duke of *Albemarle*, with which in his hands he paſſed through the Rooms; and making that Evening a viſit to the Queen *Dowager*, gave the Duke no further opportuuity of knowing his pleaſure at that time. At the Dukes Return from the Inner Room, the Gentlemen deſired him to give leave that they might uſe his Name to procure an eaſie admittance to the Earl of *Sunderland*; for they reſolved to deliver their Letter to no hands but his own, if that might be. The Duke immediately ſent one of his Gentlemen of the Horſe to one of the Lord *Sunderland's* Secretaries, making it his deſire that Mr. *Braddock* and his Companion might ſee the Earl, who accordingly appointed them to attend next Morning, and then conducted them to the Earl of *Sunderland's* Bed-ſide, who took the Letter, and after ſome further Application to him by Word of Mouth, he promiſed to acquaint His Majeſty, and tell them his Pleaſure. On *Thurſday*, at that time when Mr. *Braddock*, and Mr. *Stanhop* came, the account they received was only this, That the King had ſeen the *Vice-Chancellour's* Letter, and was offended at the proceedings of the Univerſity, and would take care very ſhortly to give a further anſwer.

Saturday the 9*th*. of *April*, Mr. *Atterbury* came down with a Summons from the Eccleſiaſtical Commiſſioners to this effect; That whereas complaint to them was made againſt the *Vice-chancellour* and Senate of *Cambridge*, for having refuſed to comply with His Majeſties Royal Letters in behalf of Mr. *Francis*; they were therefore commanded to appear, the *Vice-chancellour* in Perſon, the Senate by themſelves, and their Deputies, before the Lords Commiſſioners, in the Council Chamber the 21*ſt*. of *April*, to anſwer to ſuch things as ſhall be objected

objected against them in His Majesties behalf upon the premises, &c. *Monday April* the 11th, a Senate was called, and persons nominated to represent the University, together with the *Vice-Chancellor*, all which being unanimously approved by the Senate, they impowered them by an Instrument under the Common Seal, to answer in their behalf; and be their full Actors, Attourneys and Proctors, as to what should arise from the Commission upon the late Summons; and Mr. *Atterbury* having received private instructions to stay, and cite every Man that was chosen personally: He came accordingly into the Senate-House, and Summon'd as many as were present, waiting on the rest on a convenient time; The persons deputed by the Senate to Represent and Act were these.

Dr. *John Peachell*, Vice-Chancellour.
Dr. *John Eachard*, Master of *Catherine-Hall*.
Dr. *Humphry Babington*, Fellow of *Trinity-College*.
Dr. *Tho. Smoult*, Fellow of St. *John's College* and Professour of Casuistical Divinity.
Dr. *Will. Cook*, Dr. of Civil Law, and Fellow of *Jesus College*.
Mr. *John Billers*, Fellow of St. *John's College*, and the Publick Orator.
Mr. *Isaac Newton*, Fellow of *Trinity College*, and Mathematic Professor.
Mr. *James Smith*, Fellow of *Queens College*.
Mr. *George Stanhop*, Fellow of *Kings College*.

Thursday, April the 21st. Council Chamber, Commissioners present,

Lord Chancellour *Jefferys*.
Lord President *Sunderland*.
Lord *Mulgrave*.
Earl of *Huntington*.
Lord Bishop of *Durham*.
Lord Bishop of *Rochester*.
Lord Chief Justice *Herbert*.

Lord Chancellour. IS Mr. Vice-Chanc. here?——which is he. *He standing overagainst the Lord Chancellour bowed and shew'd himself.*

Lord Chanc. Is there any one come from the Senate to attend him.

Mr. Stanhope. Yes my Lord, we are Eight of us here deputed by the Senate to answer what shall be objected against them, against them according to your Lordships Summons. (*The noise and crowd being great Mr.* Bridgman, *the Register, was forced to repeat that again to the Lord Chancellour.*

Lord Chanc. Read the Summons.——— *Which was done.*

Lord Chanc. Now Mr. Vice-Chanc. what have you to say why you did not obey His Majesties command, in behalf of the Gentleman mention'd there.

Mr. Vice-Chanc. My Lord, you enquire of me why I did not admit *Mr. Francis*, according to the King's Letters?

Lord Chanc. Yes, thats the question I ask you.

Mr. Vice-Chanc. Is this the only question your Lordship is pleased to ask me.

Lord Chanc. Nay, Mr. Vice-Chancellour, we will not Capitulate in the very beginning; pray answer the first, and then you shall know what we have to say more.

Mr. Vice-Chanc. It is but a little while since we met in Town, and this is a question of great concern; I am not prepared to answer it on a sudden.

Lord Chanc.

Lord Chanc. Why, Mr. Vice-Chancellour, my Lords ſpecified it in their Summons what would be queſtion'd, on purpoſe you ſhould not come unprepared; but it be may Mr. Vice-Chancellour did not attend ſufficiently to that part of the Summons, therefore let it be read to him once more —— *which was done.*

Lord Chanc. Now Sir you hear it is for refuſing to comply with the Kings Commands.

Mr. Vice-Chanc. My Lords, I beg time to anſwer you; my Lords, I am a plain man, not uſed to appear before ſuch an Honourable Aſſembly, and if I ſhould anſwer haſtily, it may be I might ſpeak ſomething indecent or unſafe, which I ſhould be afterwards ſorry for, therefore I beg leave, my Lords, to have time allowed us, for giving in ſuch an anſwer, as may be both for our ſafety and your Lordſhips Honour.

Lord Chanc. (Smiling) Why, Mr. Vice-Chancellour, as for your own ſafety, my Lords are willing you ſhould take all the care you can, but for what concerns our Honour, do not you trouble your ſelf, we are able to conſult that without any Interpoſition of yours.

Mr. Vice-Chanc. My Lords, I beg your Pardon if I have ſaid any thing unbecoming, I mean only the Honour that is due to your Lordſhips quality my Lord; and therefore being to anſwer before Perſons of Quality, I beg leave to do it with Council and in writing.

Lord Chanc. Well withdraw a little, and my Lords will conſider of your requeſt.

Then all the company withdrew, and about three quarters of an hour after the *Vice-Chanc.* was ſent for into the Anti-Chamber, where Mr. *Bridgman* told him the Lords Commiſſioners had given him time till *Wedneſday* next, till four in the Afternoon, and leave to put his anſwer in Writing and with Council; and by what Council he would.

When the Council had heard the Commiſſioners had granted it, they were ſomething ſurprized, and loath to move in the thing without a Rule of Court, therefore on *Friday* morning Dr. *Eaſberd* and Mr. *Stanhope*, went to Mr. *Bridgmans* Office, to deſire ſuch an Order, or at leaſt a Copy of what had been ſaid to the *Vice-Chancellour*; but he told them he had no power to give either: only he repeated the words over again, for the ſatisfaction of them and the Council, which was the ſame the *Vice-Chancellour* had related from his Mouth before.

Wedneſday, April the 27th. In the Council Chamber, Commiſſioners preſent as before.

ABout a quarter of an hour before the Lords met, Mr. *Bridgman* came to the *Vice-Chancellour*, and deſired to know of him whether he gave his anſwer in writing only, or whether any Council would appear to argue it; to which the *Vice-Chancellour* anſwered, that his anſwer was drawing out in writing, and that he did not expect any Council there that day; Mr. *Bridgman* replyed, the Lords had commanded him to ask theſe queſtions, and would expect to know ſo much before they begun to proceed. When the Delegates were call'd in the Lord Chancellour ſaid,

Lord Chanc. Mr. Vice-Chancellour, the laſt time you were here, you deſired

time to put in your answer in writing, my Lords have indulged you so far, now where is your answer?

Mr. Vice-Chanc. My Lord, here it is —— *and gave it to Mr. Bridgman; after a Whisper put round the Table.*

Lord Chan. Read it —— *to Mr. Bridgman.*

The Answer of the University and Senate of *Cambridge*, to the Question: Why, they did not admit *Alban Francis* to the Degree of Master of Arts in the same University, according to His Majesties Mandatory Letters under his Signet Manuel; the *Vice-Chancellour* and Senate of *Cambridge*, for, and in behalf of themselves, and the said University, Say,

THat by the Statute made Primo Eliz. *and Entituled*, An Act to restore to the Crown the Ancient Jurisdictions over the State Ecclesiastical and Spiritual, and abolishing Foreign Power repugnant to the same; *It is enacted amongst other things, That every Person that shall be promoted to any Degree of Learning in any University within this Kingdom, before he shall receive or take any such Degree, shall before the Chancellour or Vice-Chancellour of the University, take the Oath in the Statute Mentioned and Appointed; purporting, that he doth thereby Testifie and Declare in his Conscience, that His Majesty is the only Supreme Governour of this Realm, as well in all Spiritual and Ecclesiastical Things and Causes, as Temporal; That no Foreign State or Potentate, hath, or ought to have any Jurisdiction, Superiority, or Authority, Ecclesiastical or Spiritual, within this Realm; and that therefore he doth renounce and forsake all Foreign Jurisdiction and Authority, and promise to bear Faith and true Allegiance to the King, his Heirs, and Successors, and to his Power assist and defend all Jurisdictions and Authorities granted, united, or annexed, to His Majesties Imperial Crown of* England. *That by the Statute made* 13to Elizabeth, *Entituled*, An Act for the Assurance of the Queens Royal Prerogative, over all Estates and Subjects within Her Dominions, *It is likewise Enacted, That every Person that shall be admitted to any Degree of Learning in any of the Universities, before he shall be allowed or suffered to take upon him such degree, shall take the aforementioned Oath before such Person or Persons, as shall have authority by common use to admit him to such degrees.*

That by the Statute made by His Majesties Royal Grand-father King James *the* 1st, *in the* 3d. *Year of his Reign, Entituled*, An Act for the better Discovering and Representing of Popish Recusants, *another Oath is commonly prescribed the Oath of Obedience; by which Oath, is the Person that takes it among other things enjoyned to Swear, that His Majesty is the Lawful and Rightful King of this Realm, and all other his Dominions and Countries; and that the Pope neither of himself, or by any other means, hath Power, or Authority, to depose His Majesty, or dispose of Him, his Kingdoms, or Dominions; or to Authorize any Foreign Prince to invade him or them, or to discharge his Subjects from their Obedience or Allegiance to His Majesty, or to give leave to bear Arms against Him; and that he will true Faith and Allegiance to His Majesty, will defend Him to the utmost of his Power. And afterwards, in the Statute made in the* 9th. *Year of His Majesties said Royal Grand-*

father,

Father, Entituled, An Act for Administring the Oath of Allegiance; In it it is enacted, That the said Last Mention'd Oath, shall by the Vice-Chancellour and Principal of Houses in the University, in the Convocation before the Senior Masters, and by every other person that shall be permitted, or promoted to any degree in Schools, before the Vice-chancellour for the time being in the Congregation House.

That the Vice-chancellour, and every Member of the Senate have taken the said Oath, and the Vice-chancellour and Senate are intrusted to put them in Execution in the said University.

That the Vice-chancellour by his Oath of Office has also Sworn duly to execute his Office according to the Laws, and cannot admit to any degree without the Senate.

That the said Statutes were made for the Preservation of Doctrine and Religion, professed by the Church of England, and Established by the Laws of this Realm, and of the Prerogative and rightful Power of His Majesty; that upon the receipt of His Majesties Royal Letters Mandatory, the same were by the Vice-chancellour communicated to the Senate; and in order to the admitting the said Alban Francis to the degree of Master of Arts, the said Oaths were offered to be Administred to the said Alban Francis, if he would take the same, but he refused.

That the admitting him without the said Oaths had been contrary to the said Statutes, and a breach of the trust in the Vice-chancellour and Senate reposed, and a Violation of their Oaths; and therefore they could not admit him to the said Degree of Master of Arts; and by humble Application to their Sacred Majesty, did, and now again do humbly desire your Lordships to represent this their Case to His Majesty, that they may not lye under His Majesties Displeasure upon any Misapprehension thereof; But, whether your Lordships will, at a Court, take Cognizance of this matter, they humbly pray your Lordships Consideration, since that the taking a Degree of Master of Arts in the University, or the admitting and refusing to admit to such a Degree, is not any cause or matter Ecclesiastical or Spiritual, but of Lay and Temporal Cognizance.

And they further offer to your Lordships, that in the Statute made in the 16th. of the Reign of His Majesties most Royal Father King Charles the First, Entituled, An Act for repealing of the Branch of a Statute Primo Elizabeth, concerning Commissioners for causes Ecclesiastical; and whereby the said Branch is Repealed; It is enacted, That no New Court, shall be Erected, Ordained, or Appointed within this Realm, which shall or may have like Power, Jurisdiction, or Authority, as the High Commission Court then had or pretended to have; but that all and every such Commissioners and Grants, and all Power, and Authority granted or pretended to be granted thereby, shall be void and of none effect, as in and by the said Statutes more fully appears. Which being Read, my Lord-chancellour said, Is it Sign'd?

Bridgman, Yes my Lord.

Lord-chanc. Read their Names, *viz.* Which was done.

Lord-chanc. Well, have you any more to say?

Vice-chanc. No my Lord, not at this time.

Lord-chanc. Then withdraw.

All the Company withdrew, and about an hour and a half after the Court rose; and afterward Mr. Bridgman desired to speak with the Vice-chancellour and Delegates in the Council-Chamber, to whom he said, That their Lordships had commanded him to tell them, they put off all further consideration of this matter till Saturday come Sevennight, and then they expected their attendance: Again Mr. Vice-Chancellour asked him, if Council would be expected to plead on their Answer; he replyed,

plyed their Lordſhips had given him no Commiſſion to ſay any thing to that. So they all withdrew.

Saturday, May the 7th.

THis day it was publickly Diſcourſed through the Town, that the Lords had received a new Commiſſion; and immediately Lawyers were conſulted whether it were proper to urge that at this appearance: What could be gathered thereupon, was to this effect: That it were a good Plea, if it could be well proved, for in receiving a new Commiſſion in the midſt of Proceſs, eſpecially, if there be any Alteration in it as to the extent of there Power, would at leaſt be a good pretence to begin the whole Cauſe again and gain time; but that it was by no means ſafe to alledg the thing, for a flying report is no evidence: And if that report were falſe, it might be a great Prejudice to them and their Cauſe.

Council-Chamber—— Commiſſioners preſent as before.

Lord-chanc. MR. Vice-chancellour, the laſt time you were here, you gave in a Paper to my Lords, ſigned by your ſelf and ſeveral others coming from the Univerſity, which conſiſts of ſeveral parts; but there is one thing I muſt crave leave of my Lords to Diſcourſe you on, which concerns your ſelf: The Lords took notice that you alledg an Oath, that Oath it ſeems hindred you from obeying the Kings Mandate. ——— Pray what was the Oath.

Mr. Vice-ch. My Lord, this is a new Queſtion which you were pleas'd not to put before, and I beg leave and time to anſwer it.

Lord-ch. Why, Mr. *Vice-chancellour*, this requires no time; my Lords, I tell you, took notice of an Oath you pleaded for your ſelf, and now they deſire to know what the Oath is.

Vice-ch. I beg I may not anſwer haſtily, but that your Lordſhips would let me know what Queſtions you would ask me, and let me anſwer them in Writing and by Council.

Lord-ch. Why did you not conſult Council when you took your Oath? I am really concern'd for the Univerſity of *Cambridge*, whereof I, my ſelf, was once a Member, that the *Vice-chancellour*, who is the Head, and the Repreſentative of ſo Learned a Body, ſhould come here before the Kings Commiſſioners, and not able to give an account of the Oath he acted by all this time, but deſires Council and time to tell him what the Oath is.

Dr. Cook. My Lord, if your Lordſhip pleaſes, I think I remember the Words of the Oath.

Lord-ch. Nay, good Doctor, how came you, who never were *Vice-chancellour*, and ſo never took this Oath, to know it better than one that is *Vice-chancellour*, and hath taken it?

Vice-ch. I cannot call to mind the very Words of the Oath, but the ſubſtance of it is this: *That I ſhould well and faithfully, præſtare* or *adminiſtrare munus*, or *Officium procancellarium.*

Lord-ch. Ay, *Munus* or *Officium*: Well, what then?

Vice-chanc.

Vice-ch. And, my Lord, this Office I take to be ſtated by the Statutes of the Univerſity, and the Laws of the Land.

Lord-ch. Well, and how long has this been the *Vice-chancellours* Oath?

Vice-ch. Indeed, my Lord, I am not able to tell you exactly.

Lord-ch. How long do you think? I will not tye you to any time.

Vice-ch. Ever ſince I knew what belonged to it; ever ſince I was Head of a Colledge.

Lord-ch. How long have you been head of a Colledg?

Vice-ch. Six or Seven Years, my Lord.

Lord-ch. Have not other *Vice-chancellours* been admitted to Degrees without Oaths, who have taken the Obligatory Oath you have done?

Vice-ch. Indeed my Lord I cannot tell; I cannot remember every particular thing that has been done.

Lord-ch. Well, becauſe we will keep cloſe the Queſtion, don't you remember my Maſter of Arts made without Oaths?

Dr. Cook Not under the Quality of an Univerſity Noble Man, my Lord.

Lord-ch. Nay, good Doctor, you never were *Vice-chancellour* yet, when you are, we may conſider you.

Vice-ch. The Anſwer to your Queſtion will depend upon our Univerſity-Book and Records, and if you'll allow us time to conſult them, we can give your Lordſhip an Account.

Lord-ch. Nay, look you Mr. *Vice-chancellour*, you have given in Anſwer in Writing already, and becauſe there is ſomething in that, my Lords would be further ſatisfied in; they have left it to me to ask you ſome Queſtions. I ask you therefore if you never remember any Maſter of Arts, who have been admitted heretofore without theſe Oaths?

Vice-ch. I cannot ſay I remember any, my Lord.

Lord-ch. Did you never hear of one Dr. *Lightfoot*?

Vice-ch. I think, my Lord, I have heard of ſuch an one.

Dr. Cook. My Lord, I beg leave to ſpeak a few Words.

Lord-ch. Well, Doctor, What is it you have to ſay?

Dr. Cook. My Lord, Dr. *Lightfoot* did Subſcribe.

Lord-ch. What Superſcription do you mean?

Dr. Cook. To the 39 Articles; and the firſt of them is the Kings Supremacy.

Lord-ch. Superſcribing is Swearing, Doctor. But Mr. *Vice-chancellour*, how many have you admitted by Mandate?

Vice-ch. Never but one, my Lord, and he took the Oaths.

Lord-ch. Do you never admit without Oaths them who have not ſuch particular Letters Patent from the King?

Mr. Stanhope. Never, my Lord: And as for Dr. *Lightfoot*, they were aware before of this particular Perſons being objected, and therefore he provided an Anſwer to it.

Mr. Stanhope *undertook it, becauſe the Books and Univerſity Papers had been committed to his Inſpection and Care. In Anſwer, had he been permitted to ſpeak, he had this to offer*, That the Regiſter of Subſcribers was then in Court, and had a Paper ready in his Hands to be produced, where Dr. *Lightfoot* Subſcribed with his own Hands to the 39 Articles. The firſt whereof is the Kings Supremacy, and that he could not refuſe the Oath upon a Principle

becauſe the ſame muſt have hindred his Subſcription: *And as a farther Proof, he did Swear, they was ready to offer this,* That two Gentlemen, *Roman* Catholicks, Servants to the Queen *Dowager*, did by Vertue of the ſame Letters from the King, at the time of his coming to *Cambridge*, deſired their Maſter of Arts Degree; *their Names were* Perara *and* Stevens. *Theſe Gentlemen were Propoſed and Granted, but upon refuſal to Swear, not admitted: Of this, they could have produced, Firſt,* A Teſtimony, upon Oath of a Gentleman then in Court; *and beſides,* That the Univerſity Papers and Graces, which ſhew theſe Gentlemens Names, among the Perſons paſt in the Houſe, but wanting in the Liſt of Subſcribers and Commencers. *After which, they would have referred it to the Court, whether it was probable that the Univerſity ſhould admit one of the Queens Servants without Oaths, and yet refuſe two more, who had the ſame Title every way, becauſe they would not take the Oaths; but the Lord-chancellour would not hear him.*

Lord-ch. Nay, look you now, that Young Gentleman expects to be *Vice-chancellour* too; when you are Sir, you may ſpeak, but till then it will become you to forbear. *Mr. Vice-chancellour*, When was it pray that you received the Kings Letters? the firſt I mean.

Vice-ch. I do not perfectly remember, my Lord, I can't call to mind the day of the Month.

Lord-ch. When were they dated, do you know (*to Mr. Bridgman*) *My Lord pauſing.*

Vice-ch. My Lord, I remember it was *Aſhwedneſday.*

Lord-ch. And when was it theſe Letters were Publiſhed in the Senate?

Vice-ch. It was the Seven night after, my Lord.

Lord-ch. What's the meaning of the delay, *Mr. Vice-chancellour*? the Kings buſineſs uſed to have a quicker diſpatch.

Vice-ch. It was a Novel thing, and I was willing to give my ſelf and others time to conſider on it.

Lord-ch. But when you had read the Letters, why was not the Gentleman admitted?

Vice-ch. My Lord, the Senate ſent to me, to deſire me, that I would forbear admitting *Mr. Francis*, till I had Petitioned the King to revoke the Mandate.

Lord-ch. Why does the Kings Mandate uſed to be diſputed? Did you ever ſee a Mandate voted in the Houſe, whether it ſhould be obeyed or not?

Vice-ch. No, my Lord, uſually they are not; but the Houſe ſent to me to forbear, for they have not had any of this nature before.

Lord-ch. Did you ever know any Mandates of the Kings refuſed by the Univerſity before?

Vice-ch. After ſome pauſe — Yes, my Lord, ſeveral.

Lord-ch. Pray, give us one inſtance.

Vice-ch. My Lord, one *Tatnell.*

Lord-ch. When pray? How long was that ago?

Vice-ch. I cannot recollect juſt the time, but it was in His laſt Majeſties Reign; I believe, about fourteen or fifteen years ago.

Lord-ch. How was that?

Vice-ch. My Lord, the Mandate was given to one *Tatnell*, a Non-conformiſt Miniſter, and he refuſed to Subſcribe and take the Oaths; whereupon, my

Lord, the Univerſity Petitioned the King, and repreſented the matter to him, and the King was pleaſed to recal his Mandate.

Lord-ch. Mr. *Vice-chancellour*, had not you a Mandate for another Gentleman at the ſame time with this, which you refuſed?

Vice-ch. Yes, my Lord, it was to make a Gentleman Dr. of Phyſick.

Lord-ch. And he was admitted upon it, was he not?

Vice-ch. Yes, my Lord.

Lord-ch. Did the Senate Vote his Mandate?

Vice-ch. No, my Lord, they did not.

Lord-ch. Why ſhould they interpoſe in the one and not in the other?

Vice-ch. They had no Diſpenſation, my Lord, for the Oath in it.

Lord-ch. But however, if they did not Vote it, nor do any others of the Kings Letters, how do you know their Conſent?

Vice-ch. My Lord, it is preſumed upon their being ſilent, and offering nothing to the contrary.

Lord-ch. Ay, we have a Proverb, Mr. *Vice-chancellour*, *Silence gives Conſent*, but it ſeems he was admitted immediately, was he not, before you could know whether they conſented to both or no?

Vice-ch. No, my Lord, he was not admitted till the Houſe deſired me to forbear in Mr. *Francis*'s Caſe.

Lord-ch. But, as to this buſineſs of the Senate, deſiring you (my Lords) I hope you will Indulge me to ſpeak a little of that, for having been formerly a Member of that Univerſity my ſelf, I think I have ſome ſmall remembrance of the manner of the Proceedings there: Pray, Mr. *Vice-chancellour*, how was it that you knew their minds in this buſineſs?

Vice-ch. My Lord, the Houſe ſent up their Opinions.

Lord-ch. How, pray? By whom?

Vice-ch. The Non-Regents, by Dr. *Smoult*, the firſt day; and Mr. *Billars*, the Orator, and Mr. *Newton* the Mathematical Profeſſour, my Lord, the ſecond day.

Lord-ch. By whom do you ſay the firſt day?

Vice-ch. By Dr. *Smoult*, my Lord, from the Non-Regent Houſe, and Mr. *Norris* from the Regent Houſe.

Lord-ch. Well: What ſaid theſe two to you?

Vice-ch. My Lord, I don't know the very Words, but it was to this effect, That I ſhould forbear admitting Mr. *Francis* till the King was Petitioned.

Lord-ch. Is that Dr. *Smoult* in Court?

Vice-ch. Yes, my Lord, he is here——*then he ſhewed himſelf.*

Lord-ch. Come, Sir, What was it, I pray you, that you told the *Vice-chancellour*?

Dr. Smoult. I have forgot, my Lord, the Words, but it was to the ſame purpoſe the *Vice-chancellour* told you juſt now, That the Houſe deſired me to acquaint him they were Petitioning, that the Mandate might be recall'd.

Lord-ch. And pray, Sir, Who are you, that you ſhould be thought fit to repreſent a whole Houſe? Why ſhould they chooſe you rather than any Body elſe?

Dr. Smoult. My Lord, I ſuppoſe, becauſe I was one of the Seniors.

Lord-ch. One of the Seniors! If you come to that, Why was not the very Senior choſen?

Dr. Smoult. I cannot tell, my Lord, they came to me.

Vice-ch. My Lord, he is one of our Profeſſors.

Lord-ch.

Lord-ch. Nay, when I ask you Questions they prompt you, and now you prompt them; but I must tell you, Mr. *Vice-chancellour*, you ought to take an account of what is done in the House your self, and not from others.

Vice-ch. My place is at a great distance from the Non-Regent House, and I could not see what was done there.

Lord-ch. But should you take the Sense of a whole House from one Man?

Vice-ch. He came and told me, my Lord, the House was of that Opinion, and I thought I had no reason to question what he said.

Lord-ch. How loud did he speak when he told you this?

Vice-ch. Pretty loud, my Lord.

Lord-ch. Was it so loud that all the House might hear it?

Vice-ch. No, my Lord.

Lord-ch. Did you send afterwards to enquire whether he had told you their Opinions true or not?

Vice-ch. No, my Lord, I confess I did not.

Lord-ch. But how came this new way of giving Opinions, are not the Proctors usually the men that bring the Sense of the House to the *Vice-chancellour*?

Vice-ch. Not the Non-Regent, my Lord, they are not admitted into that House, nor have at all to do there.

Lord-ch. Have you any thing else to offer to my Lords?

Dr. Cook. My Lord, if the answer that we gave in the last day be not satisfactory, we desire to have time allowed us to make a farther defence, and to do it with Counsel.

Lord-ch. Have you nothing to say besides?

Dr. Cook. No, my Lord.

Lord-ch. Nor you Gentlemen? ——*then withdraw.*

After the Vice-chancellour, and three or four of the Delegates were gone off, and the Crowd was retiring, Mr. Billers, *being a person ingaged in carrying up the Sense of the House, would have Informed the Court (who seemed under a mistake) more particularly of the Senates Proceedings; and how it came to pass that the usual way of Suffrages was impracticable at that time.*

Mr. Billers. My Lords, I beg leave to speak one Word.

Lord-ch. Who are you?

Mr. Billers. My Name is *Billers*, my Lord.

Mr. Bridgman. My Lord, he is one of the Gentlemen that sign'd the Paper in which was the Answer.

Mr. Billers. I am one of the Persons, my Lord, that Sign'd the Paper in which was the Answer.

Lord-ch. Nay, hold Mr. *Billers*, give me leave to compare your memory with Mr. *Vice-chancellours* a little; Mr. *Vice-chancellour* tells me, Mr. *Billers* and Doctor *Smouls* went up both of a day; then comes Mr. *Billers* and says that Dr. *Smouls* and he went up two several days.

Mr. Billers. My Lord, I could not possibly go up from the House; I do not belong to the Regent House.

Lord-ch. Indeed he said so, Sir; indeed he did, my Lords——did he not? [*To Mr. Bridgman.*

Mr. Bridman. Yes, my Lord.

Mr. Stanhope behind the Bishop of Rochester. My Lord, under favour, my *Lord-chancellour* is mistaken; the Persons *Mr. Vice-chancellour* told your Lordship, went

up

up from the Regent-House the same day, with Dr. *Smoult*, was Mr. *Norris*.

Bishop of Roch. My Lord, I think your Lordship forgets; it was Mr. *Norris* that went up from the House the same day with Dr. *Smoult*.

Lord-ch. Well Sir, was this that you would say?

Mr. Billers. I was only just acquainting your Lordship what was done, and that there was no other way ——

The thing Mr. Billers *intended to urge, was, That the usual way of Suffrage could not be practised at that time; so the other was taken.*

Earl of Sunderl. We heard that before.

Lord-ch. Ay, Sir, we took both what was done, and what not done; therefore withdraw.

Then all the Company retired, and after above an hour and an half's Attendance, they were call'd in again, and the Lord-chancellour Pronounced the Sentence upon Mr. Vice-chancellour, in the following manner:

Lord-ch. Mr. Vice-chancellour, the Lords have commanded me to tell you, that they have taken some time to consider your Answer, and are at last come to a Resolution upon it; my business is to tell you what the Resolution is, Mr. Vice-chancellour. My Lords consider you have been guilty of an Act of great Disobedience to the Kings Commands, and other Crimes and Contempts, and such, that now you appear before us, you have little to say in excuse of it; therefore as a mark of His Majesties and their Lordships Displeasure, they have thought fit to appoint, that you be henceforth deprived of the Office of Vice-chancellour of *Cambridge*. They likewise Order, that you don't presume, at any time hereafter, to meddle with any of the Publick business of the University. Likewise, Mr. Vice-chancellour, their Lordships consider you have a Headship of a Colledge, and because the Example of so ill a man may be a pernicious consequence to all under your Government, they have likewise thought fit that you be deprived of it, during His Majesties Pleasure; but because they have a tenderness for the Colledge, for which all along you have shewed little regard, my Lords are pleased to appoint, that the Revenues of your Headship shall go to the benefit of the Society: This is their Lordships Pleasure, and to this they require your Obedience. There are likewise some other Gentlemen that have Signed a Paper here, but my Lords expect their Attendance when they Sit next, which will be on *Thursday* next; then we shall take them into consideration.

On *Monday*, Dr. *Peachell* wrote by an Esquire Beadle, who attended him, to desire a Copy of the Sentence, but answer was return'd, The Sentence, as yet was not committed to Writing, but Verbal only, and so he could not have a Copy; but he repeated the Heads only with this alteration, That he was Suspended his Mastership, and not deprived; which was an Errour in the Lord-chancellours delivering it.

The beginning of the next Week was employed in making Inquiries after the new Commission, the Hatmaper six Clerks, and the Riding six Clerks Office knew nothing of it, nor any Court of Record could be directed to: Mr. *Bridgman* did own there was such a thing, but did not instruct them how to come to the sight of it: those that spoke best of the Commissioners, urged the removal of the Lord Chief Justice of the Kings Bench to the Common Pleas, as a thing that made a new Commission necessary for rectifying his Title, but a Gentleman, who pretended to have read it, gave them private Intimations that there were very large Additions, and very considerable Alterations for it; at my Lord-

Chancellours own House, the Servants brought Word, that my Lord would speak with the person himself, that desired to see it, and appointed him a time; the Sollicitor went at the hour, but did not gain access to my Lord, and so they could not see it at all, for it was *Wednesday* Night, or *Thursday* Morning.

Thursday, May the 12th.

Council Chamber, the Commissioners present as before, the Delegates appear with Dr. Peachell.

Lord-ch. THE last time you appeared here before us, my Lords thought fit to set a mark of their Just displeasure upon the Vice-chancellour. Gentlemen, you cannot but be sensible, and so must all the World, how pernicious and obstinate the University has shown themselves in refusing the Kings Commands, and such Commands, I must tell you, that ought to be obeyed.

There was a time, you may remember Instances, if you do not, I'll turn you to one in the year 1667, when the Letters were so far from being Disputed, that they passed for a Law among you, and do this day stand Recorded among the Solemn Acts, and Publick Statutes of the University. Gentlemen, my Lords consider there is difference between the Vice-chancellours Case and yours, and therefore did not conclude you, who represent the Senate with him, but have required your attendance at this time; they impute the miscarriage of the Body to the Head Disease chiefly, though neither are you without fault, for shewing so much as unwillingness under the Kings Commands. Gentlemen, I must tell you, my Lords understand very well, the sly insinuations in your Paper, and have commanded me to tell you, That they know upon what grounds they go, though they do not think fit to descend to particulars; they know too how far that Authority extends, not only to you of the University, but to the Societies within this Kingdom. Gentlemen, your best course will be by a ready Obedience to His Majesties Command, for the future, and by giving a good example to others, to make amends for the ill example that has been given you; therefore I shall say to you what the Scripture says, and rather because most of you are Divines; *Go your way, and sin no more, lest a worse thing come unto you.*

(The late Kings Letters, mentioned by my Lord-chancellour, *Anno* 1667. concern the Regulating some of the publick Exercises in the University; the meaning whereof is this, The King is their Visitor, and whenever there is any thing belonging to the local Statutes and Customs which they think ought to be altered, or any rite which should be mollified and redress'd, their way is to beg the Kings Royal Conjunction in the Case, which they keep upon Record, and obey as a Statute; how good an Argument is this against them, for not obeying a private Mandate contrary to most known Laws of the Land, and how parallel the Case is easie discern'd.

As they were drawing off, he call'd them again, and said,

Lord-ch. Hold, Gentlemen, I know something more to say to you, My Lords require, as a Testimony of your Obedience, that you, who represent the Senate, should take care they have the University Statutes brought to lye before them here.

Dr. Cook. My Lord, we do no longer represent the Senate, our Delegation is determin'd with the Vice-chancellours Deprivation, my Lord.

Lord-ch. Well, if your Commission be expired, we will give you a new one, we are able to give you a Commission; we suppose you had sufficient Authority for appearing here.

Dr. Cook. Does your Lordship expect that we should attend with the Statutes our selves?

Lord-ch. No, no, send them up by a proper Officer; you are only to carry a message from us to the Senate, and tell them what we expect.

Dr. Eachard. In what time does your Lordship expect them?

Lord-ch. In a convenient time, we will not tye you up, but if you be tardy, my Lords will take care to quicken you by an Intimation; I mean only a Copy, not Original Statutes. You are now discharged from any farther attendance here.

The Delegates, upon the Vice-chancellours Deprivation, being no longer capable of acting as publick Persons, and consequently, of deriving any ill consequence upon the body they have represented, thought they might venture their own Persons more boldly; therefore, in order to satisfie the World, they were mighty desirous to bring about a second hearing of the same Points, which before the Vice-chancellours Sentence, they were not suffered to speak to, and which, when the Vice-chancellour was asking, they had not an opportunity of answering so very particular as they could have wish'd, confining themselves to such Questions, all the while, as did not concern the Vice-chancellour solely and personally, but affected the whole Senate jointly with him; which order they had likewise observed in interposing at the Tryal. This answer they had ready to offer in Writing, if that could be admitted, but if not, resolved to argue it by Word of mouth; the substance of it may be reduced to two heads:

First, the business of admitting others, and particularly, Dr. *Lightfoot*, without Oaths: As to *Lightfoots* Case, what they intended to have urged in Court, and you have seen already; but as to others:

I. *That Peers are by the 18th Act of Parliament 5 to. Eliz. Exempted from the Oath.*

II. *That all such as the University calls Noblemen, have time out of mind, enjoyed the Priviledge of Peers.*

III. *That under that Quality they never admit any without Oaths.*

IV. *That if at any time, upon the entertaining of a Prince, or any such Solemnity, many one has slipt out in the Croud, which they are not conscious of; this is to be imputed to hurry and inadvertency, and cannot be parellel to this Case, where the Senate Acted with leisure and deliberation.*

V. *That even these Degrees, given to Noblemen and Strangers, are Honorary and Complemental, and so different from what the Statute calls Degrees of Learning, and Men use Exercise and make a Gain of their Profession.*

VI. *That supposing never so many to be admitted without Oaths, this they acknowledged to be Irregular, and the Breach of a Law in one can be no Precedent for another to follow.*

VII. *That however they are very fully and particularly assured, no man was ever admitted who positively refused the Oaths, which this Mr Francis did.*

I. *That every man who is a Member of that, or any other Senate, hath such a Right, to Propose, Debate and Advise, as occasion shall require, and protest against any Irregular Proceedings be it.*

II. *That in a matter, contrary to the Laws, and so highly concerning their University and Religion, at the opening such a Gap for the men of any Perswasion to become Members*

Members of their Body and Senate (which every Resident Master of Arts is), it had been the greatest Infidelity and Negligence to have sate still.

III. *That their Suffrage, not being ask'd by the common way, ought not to have been a bar, because every man in his Matriculation Oath, obligeth himself to be assisting to the Chancellour and Vice-chancellour, and to defend the State, Honour, and Dignity of the University, according to his Power and Capacity; and this to do* Suffragio & Concilio, rogatus & non rogatus.

IV. *That representing the whole Houses Opinions by a few, is a practice common to all numerous Congregations, and usual in this, for any single man, voluntarily to go and Address the Vice-chancellour in behalf of this whole Colledge, or otherwise.*

V. *That the late King commanded, by his Royal Letters, that all Address to the Vice-chancellour should be made in the most quiet, decent, and respectful manner; and this way was thought more conformable to that command, than the hurry of every man applying himself personally.*

VI. *That to give the better Reputation to the thing, and make it unexceptionable, the persons sent from the Senate to the Vice-chancellour, were all men either of publick Character in the Body, or the Seniors of their Houses, or some way eminently known in the University; but they being admitted, as you have seen, on Thursday, there was no opportunity at all of offering a Dispute.*

Animadversions on Wednesday, April *the* 27*th.*

This day the Plea was given in, and the only thing needful to be remark'd, is, The use of the way of demurring to the Courts Jurisdiction, which is commonly either the only, or first Plea in such Cases; but the Delegates look'd upon themselves as obliged not only to defend their Cause, but to satisfie the World, therefore they were desirous that all People should be satisfied upon what Reasons they acted, and to this purpose they first insisted upon them, which they did not all doubt, but it would be presently heard; whereas, if the Courts Jurisdiction had come first, that would, in all probability, have confin'd the whole Plea to be stirred and over-ruled.

Saturday, May *the* 14*th.*

Mr. *Attorney* came to *Cambridge*, with two Orders under the Commissioners Seal, one to the Proctors to proceed in the choice of a new Vice-chancellour, and the other to *Magdalen* Colledge Fellows; to each of which was annexed a Copy of the Sentence to be fixed upon the School Doors, and *Magdalen* Colledge Gate; and on *Thursday, May* the 17th. Dr. *Balderston*, Master of *Emmanuel* Colledge succeeded in the Office of Vice-chancellour.

A Copy of Dr. Peachells *Sentence, as it was fixt on the publick School Doors, and* Magdalen *Colledge Gates.*

By His Majesties Commissioners for Ecclesiastical Causes, and for the Visitation of the University, and of every Collegiate and Cathedral Churches, Colledges, Grammer-Schools, Hospitals, and other the like Incorporations, or Foundations, or Societies.

Whereas John Peachell, *Dr. of Divinity, Vice-chancellour of* Cambridge, *Master of* Magdalen *Colledge, in the said University, has been Convened before us for his Disobedience to His Majesties Royal Letters Mandatory, and other his Contempts; and the said Dr.* John Peachell *having been fully heard thereupon, we have thought fit, after mature consideration of the matter, to Declare, Decree and Pronounce, that the said Dr.* John Peachell, *shall for the said Disobedience and Contempts, be deprived from being Vice-chancellour of the said University, and from all power of acting in the same: And also, that he be Suspended ab Officio & beneficio of his Mastership of the said Colledge, during His Majesties Pleasure; and accordingly, we do by these presents deprive him, the said Dr.* John Peachell, *from being Vice-chancellour of the said University, and from all power of acting in the same. And we also Suspend him ab Officio & beneficio of his Mastership of the said Colledge, peremptorily admonishing and requiring hereby, to abstain from the Function of Master of the said Colledge, during the said Suspension, under pain of Deprivation from his said Mastership. And we also farther Order and Decree, that the profit and perquisites belonging to his said Mastership, shall, during the same Suspension, be applyed to the use and benefit of the said Colledge.*

Given under our Seal, the 7th day of *May*, 1687.

FINIS.

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